



Qfw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
WAGGONER

Atty. Ref.: 4091-2

Serial No. 09/740,486

TC/A.U.: 1639

Filed: December 19, 2000

Examiner: Ponnaluri

For: CYANINE DYES AS LABELING REAGENTS FOR DETECTION OF
BIOLOGICAL AND OTHER MATERIALS BY LUMINESCENCE
METHODS

* * * * *

July 21, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Attached is an English translation of an Opposition Brief setting out the grounds for an opposition filed against German patent DE 39 43 862 B4 granted January 22, 2004. This German patent claims benefit of U.S. patent application Serial No. 240,756 filed April 12, 1998, which is a continuation-in-part of Serial No. 06/854,347 filed April 18, 1986 from which the present application claims priority.

A formal notice of opposition was filed (in German) on April 22, 2004 and the attached English translation was received by a person designated in 37 C.F.R. §1.56(c) on July 9, 2004.

The opposition is based upon an abstract by Salama, Waggoner and Abramson published in February of 1985 in the Biophysical Journal and is already record in this application. An additional copy is attached for the examiner's convenience. Claim 5 of the opposed patent is set out on page 2 of the attached written statement.

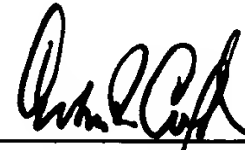
WAGGONER
Serial No. 09/740,486

Please take this information into account during your further examination of this application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

ATTY. DOCKET NO.

SERIAL NO.

APPLICANT

FILING DATE

TC/A.U.

(Use several sheets if necessary)

December 19, 2000

1639

[illegible][illegible][illegible]

Date Considered

864137